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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,581	12/06/2000	David M. Maymudes	MS1-637US	9810

22801   7590   04/19/2005

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EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/731,581</td><td>Applicant(s)
MAYMUDES ET AL.</td></tr>
<tr><td>Examiner
Ba Huynh</td><td>Art Unit
2179</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 March 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25 and 27-51</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25 and 27-51</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____.
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5)☐ Notice of Informal Patent Application (PTO-152)
   Paper No(s)/Mail Date _____.   6)☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 3/28/05 has been entered.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-25, 27-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gonsalves et al.

- As for claims 1, 11, 12, 21-23, 27-30: Gonsalves et al teach a computer implement

    system and corresponding method for rendering video, comprising the means/steps

    of:

        a video application (fig. 5) configured to enable a user to combine multiple

    different video clips (1:11-14),

        bitmap processors operatively coupled with the video application and configured

    to receive a first bitmap ("original matte image", 3:14-16) that can be used to render a

    transition between video clips and automatically process the first bitmap to provide a

different transition based upon user input (3:18-67; 10:3-8). The first bitmap does not

comprise video clip content (i.e., the matte image can be created according to other

images (3:30-31; 10:3-8). Gonsalves et al fail to clearly teach that the transitions are

configured to enable one video clip to completely replace another video clip.

However, since the matte image is user configurable, it is within the context of

Gonsalves that the user may configure the matte image such that the background

image completely replaces the foreground image instead of just a portion of the

foreground image. One of skill in the art would motivate to such implementation to

provide a transition effect for displaying a complete background image, whenever

desired.

-   As for claims 2, 3, 13, 24, 31, 50: The first bitmap is processed through different

modules (figure 6) to provide a second bitmap that is that is different from the first bitmap, to

render a different transition (1:45-48; 3:18-67; 10:3-8).

-   As for claims 4, 14-16, 33-35, 41-43: Gonsalves et al fail to clearly teach the means

for stretching and/or shrinking the bitmap. However stretching/shrinking are well

kwon bitmap editing operations (see US patent #6,069,668, 5:20-22). It would have

been obvious to one of skill in the art, at the time the invention was made, to combine

the well-known implementation of stretching/shrinking to Gonsalves et al.

Motivation of the combining is for, e.g., matching the matte bitmap to the video

frame.

- As for claims 5, 17, 36, 44: Replication of the first bitmap image is inherently included edit operation (e.g., copying, saving). Replication is also disclosed in modification of the first bitmap image (3:7-67; 10:69).

- As for claims 6, 18, 37, 45: Depending on the type of filter (1:55-60), the input parameter (8:40-62), the type of special effect (10:3-5), and/or the bitmap image used (e.g., original, intermediate, or the composite matte image (10:5-8)) the system provides an offsetting to the bitmap or a transition that is offset from the transition provided by the first bitmap.

- As for claims 7, 19, 38: The system includes means configured to provide a border ("edge") in a transition defined by the first bitmap (4:48-56; 8:9-13).

- As for claims 8, 20, 25, 46, 51: Replication of the first bitmap image is inherently included edit operation (e.g., copying, saving). Replication is also disclosed in modification of the first bitmap image (3:7-67; 10:69). Depending on the type of filter (1:55-60), the input parameter (8:40-62), the type of special effect (10:3-5), and/or the bitmap image used (e.g., original, intermediate, or the composite matte image (10:5-8)) the system provides an offsetting to the bitmap or a transition that is offset from the transition provided by the first bitmap. The system includes means configured to provide a border ("edge") in a transition defined by the first bitmap (4:48-56; 8:9-13). Gonsalves et al fail to clearly teach the means for stretching and/or shrinking the bitmap. However stretching/shrinking are well kwon bitmap editing operations (see US patent #6,069,668, 5:20-22). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well-known implementation of stretching/shrinking to

Gonsalves et al. Motivation of the combining is for, e.g., matching the matte bitmap to the video frame.

- As for claims 9, 10, 40: The system is configured to receive parameter(s) provided by the user to process the bitmap (8:40-62). The parameter(s) can be used to change the structure of the bitmap (8:3-5, 17-21).

- As for claim 32: Per Gonsalves et al, the original matte bitmap is processed through multi-stages of filtering to generate an intermediate matte image, a processed matte image, and other types of filters for filtering the processed matte images (3:14-67). The filtered matte images have predetermined gray scale values (6:4-24).

- As for claims 39, 47, 48: Gonsalves et al teach a computer implement system and corresponding method for rendering video, comprising the means/steps of:

    a video application (fig. 5) configured to enable a user to combine multiple different video clips (1:11-14),

    bitmap processors operatively coupled with the video application and configured to receive a first bitmap ("original matte image", 3:14-16) that can be used to render a transition between video clips and automatically process the first bitmap to provide a different transition based upon user input (3:18-67; 10:3-8). The first bitmap does not comprise video clip content (i.e., the matte image can be created according to other images (3:30-31; 10:3-8). The matte bitmap are filtered to predetermined gray scale values (3:14-67; 6:4-24). Gonsalves et al fail to clearly teach that the transitions are configured to enable one video clip to completely replace another video clip. However, since the matte image is user configurable, it is within the context of

Gonsalves that the user may configure the matte image such that the background

image completely replaces the foreground image instead of just a portion of the

foreground image. One of skill in the art would motivate to such implementation to

provide a transition effect for displaying a complete background image, whenever

desired.

- As for claim 49: Gonsalves et al teach a computer implement system and

corresponding method for rendering video, comprising the means/steps of:

a video application (fig. 5) configured to enable a user to combine multiple

different video clips (1:11-14),

means for receiving parameter(s) provided by the user to process the bitmap

(8:40-62). The parameter(s) can be used to change the structure of the bitmap (8:3-5,

17-21). The parameters include a range that defines a border thickness that is used in

connection with the matte bitmap to effect the second transition (6:17-24; 8:13 - 10:2)

bitmap processors operatively coupled with the video application and configured

to receive a first bitmap ("original matte image", 3:14-16) that can be used to render a

transition between video clips and automatically process the first bitmap to provide a

different transition based upon user input (3:18-67; 10:3-8). The first bitmap does not

comprise video clip content (i.e., the matte image can be created according to other

images (3:30-31; 10:3-8). Gonsalves et al fail to clearly teach that the transitions are

configured to enable one video clip to completely replace another video clip.

However, since the matte image is user configurable, it is within the context of

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image completely replaces the foreground image instead of just a portion of the

foreground image. One of skill in the art would motivate to such implementation to

provide a transition effect for displaying a complete background image, whenever

desired.

Response to Arguments

4.   Applicant's arguments have been fully considered but they are not persuasive in view of

the new ground of rejection.

5   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The

examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on (571) 272-4136.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
BA HUYNH
PRIMARY EXAMINER